IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 17694 of 2007(F)

PETITIONER:

K.P. MAYIN,
KURUDAMPOYIL HOUSE, P.C. PALAM P.O.,
NARIKKUNI (VIA), KOZHIKODE.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

1. THE REGIONAL TRANSPORT OFFICER,
   KOZHIKODE.

2. THE DEPUTY TRANSPORT COMMISSIONER,
   NORTH ZONE, KOZHIKODE.

3. THE TRANSPORT COMMISSIONER,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.17694 of 2007

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Dated this the 16th day of July, 2007

J U D G M E N T

The petitioner challenges Exts.P2 and P5 orders. Ext.P2 is the order of the Deputy Transport Commissioner, Kozhikode, wherein the petitioner's appeal against the demand for tax under the Kerala Motor Vehicle Taxation Act has been rejected. Ext.P5 is the order by which the petitioner's revision before the Transport Commissioner was rejected on the ground that the appeal was time barred. In the writ petition, the petitioner averred that the finding on limitation is not correct since the petitioner received the copy of the order only on 4.4.2007. This averment is on the basis of an endorsement in Ext.P2 as follows:-

> **"Endt.No.C/31/05NZ dated 04.04.2007**:- Certified copy of proceedings issued to Sri.K.P.Mayin, S/o.Hussain, Kurudampoil House, P.O. P.C.Palam, Narikuni, Kozhikode to produce before the Hon'ble High Court."

In view of the said submission, I directed the learned Government Pleader to get instructions as to when exactly Ext.P2 order was served on the petitioner. The learned Government Pleader filed a statement to the effect that the same was despatched to the petitioner on 9.8.2005 and the petitioner accepted the same on 20.8.2005. The postal acknowledgment card signed by the petitioner is also produced as Annexure R1. The endorsement relied on by the petitioner was on the basis of a further application for a certified copy. In view of the same, I am satisfied that Ext.P5 order was perfectly valid. Accordingly, the writ petition is dismissed. Appropriately I should have awarded costs also for having made false statement before this court. However, exercising restraint, I am refraining from doing so.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.